

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

**CROSS1570-1**

First Inventor or Application Identifier

**Lisheng Xing**

Title

**SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY**

Express Mail Label No.

**EV351125816US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:****Mail Stop Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal for FY 2003  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages] **53**  
(preferred arrangement set forth below)
- ☒ Descriptive Title of the Invention
- ☒ Cross References to Related Applications
- ☒ Background of the Invention
- ☒ Summary of the Invention
- ☒ Brief Description of the Drawings (if filed)
- ☒ Description of Preferred Embodiments
- ☐ References
- ☒ Claim(s)
- ☒ Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets] **6**
4. ☒ Oath or Declaration [Total Pages] **2**
- a. ☒ Newly Executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)
5. ☐ Incorporation By Reference (useable if box 4b is checked).  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered to be part of the disclosure  
of the accompanying application and is hereby  
incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer-Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee) ☒ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard
14. ☒ Small Entity ☐ Statement filed in prior application,  
Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: **Certificate of Mailing; Filing Fee; Request for Non-Publication**

**17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment**☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit \_\_\_\_\_


☒ Claims the benefit of Provisional Application No. **60/419,479** filed **October 18, 2002****CORRESPONDENCE ADDRESS:**Gray Cary Ware & Freidenrich LLP  
1221 South MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
Tel. (512) 457-7142  
Fax. (512) 457-7001**Customer No. :****25094**TYPED or PRINTED NAME **John L. Adair**REGISTRATION NO. **48,828**

SIGNATURE \_\_\_\_\_

DATE: **August 22, 2003**

<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <i>Effective 01/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
		Application Number	Unknown
		Filing Date	August 22, 2003
		First Named Inventor	Lisheng Xing
		Examiner Name	Unknown
		Art Unit	Unknown
		Attorney Docket No.	CROSS1570-1
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$ 937.00)		

<b>METHOD OF PAYMENT</b> (check all that apply) <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None Deposit Account Number: <b>50-0456</b> Deposit Account Name: <b>Gray Cary Ware &amp; Freidenrich LLP</b> The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge (fees) indicated below. <input type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for filing fee to the above-identified deposit account.	<b>FEE CALCULATION</b> (continued)																																																																																																																																																																																																																																																																																																										
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EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th colspan="2">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>64</td> <td>-20** =</td> <td>44</td> <td>X</td> <td>9</td> <td>=</td> <td>396.00</td> <td></td> </tr> <tr> <td>6</td> <td>-3** =</td> <td>3</td> <td>X</td> <td>42</td> <td>=</td> <td>126.00</td> <td></td> </tr> <tr> <td colspan="2">Independent Claims</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Multiple Dependent</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>84</td> <td>2201</td> <td>42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>280</td> <td>2203</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>84</td> <td>2204</td> <td>42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table> <p style="text-align: center;"><b>SUBTOTAL (2) (\$ 522.00)</b></p> <p><small>**or number previously paid, if greater; For Reissues, see above</small></p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee	375.00	1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		Total Claims		Extra Claims		Fee from below		Fee Paid		64	-20** =	44	X	9	=	396.00		6	-3** =	3	X	42	=	126.00		Independent Claims								Multiple Dependent								Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
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1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																																							
		Other fee (specify) _____ * Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3) (\$ 40.00)</b>																																																																																																																																																																																																																																																																																																							

<b>SUBMITTED BY</b>		<b>Complete( if applicable)</b>	
Name (Print/Type)	John L. Adair	Registration No. (Attorney/Agent)	48,828
Signature		Telephone	512.457.7142
		Date	August 22, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.


Gray Cary/AU4107905.1

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Lish ng Xing
	Title	SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY
	Atty. Docket:	CROSS1570-1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 22, 2003

Date

  
John L. Adair  
Reg. No. 48,828

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

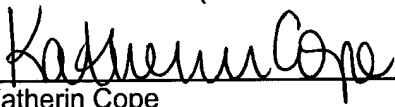
Burden Hour Statement: This collection of information is required by 37 C.F.R. 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>	Atty Docket No. (Optional) <b>CROSS1570-1</b>
<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450  Sir:	In the Application of: <b>Lish ng Xing</b>
	Date Filed: <b>August 22, 2003</b>
	Title: <b>SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY</b>

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Information Disclosure Statement and PTO Form 1449 (with references attached), executed Declaration and Power of Attorney, executed Assignment and Recordation Cover Sheet, Utility Patent Application, six (6) pages of Drawings, Request for Non-Publication, Check and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV351125816US**, on **August 22, 2003**, addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**

  
 Katherin Cope

**EV351125816US**